



**ZONING ADMINISTRATOR PERMIT
STAFF REPORT
MARCH 21, 2016**

- Proposal:** **CALIFORNIA BADMINTON ACADEMY - PLN2016-00182** - To consider a Zoning Administrator Permit (to supersede Conditional Use Permit PLN2010-00051) to allow an indoor recreation facility offering badminton and table tennis for both adults and youths in an existing industrial building located at 46069 Warm Springs Boulevard in the Warm Springs Community Plan Area. A Mitigated Negative Declaration was previously adopted for the project by the Planning Commission on January 28, 2010 in accordance with the California Environmental Quality Act (CEQA), and no further environmental review is necessary.
- Recommendation:** Approve, based on findings and subject to conditions.
- Location:** 46069 Warm Springs Boulevard in the Warm Springs Community Plan Area
APN 519 085006700
(See aerial photo next page)
- Area:** An existing $\pm 70,500$ square foot building on a ± 4.0 acre parcel
- People:** Rose Lei, California Badminton Academy, Applicant
Hang Zhou, Staff Planner (510) 494-4545; hzhou@fremont.gov
- General Plan:** Innovation Center
- Zoning:** Warm Springs Innovation District Area 10 (WSI-10) - Warm Springs Court

EXECUTIVE SUMMARY:

The applicant is requesting approval of a Zoning Administrator Permit to allow an indoor recreation facility offering badminton and table tennis for all age groups in an existing industrial building located at 46069 Warm Springs Boulevard. The tenant space is 35,104 square feet in area, or half the floor area of the subject building. In 2010 the applicant obtained approval of a Conditional Use Permit (CUP PLN2010-00051) to operate a facility for use by non-sensitive populations only (adults and children over the age of 16) in the Restricted Industrial (I-R) zoning district. In 2014, the zoning of the subject property was changed from I-R to WSI-10, which allows indoor recreation uses with no age limitations, subject to approval of a Zoning Administrator Permit. Staff recommends the Zoning Administrator approve the project as shown on Exhibit "A" based on the findings and subject to the conditions of approval contained in Exhibit "B," attached hereto. If approved, this Zoning Administrator Permit would supersede CUP PLN2010-00051, since CUPs are no longer required for this type of land use at the subject site.

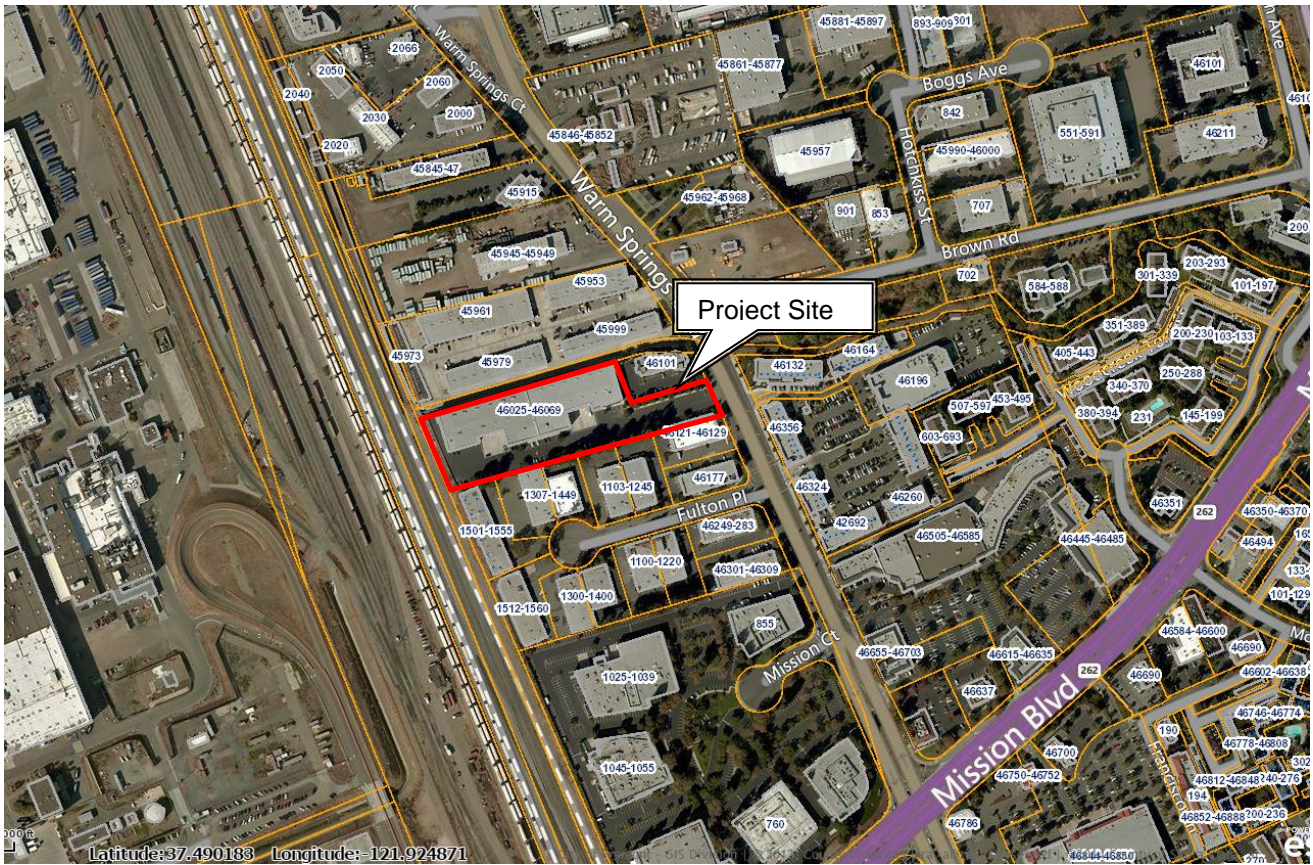


Figure 1: Aerial Photo (2014) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Various industrial uses in WSI-10 zone across the flood control channel
- South: Light industrial uses in WSI-10 zone
- West: Car dealership across the Railroad Corridor
- East: Community commercial uses in Town Center Commercial zone

BACKGROUND AND PREVIOUS ACTIONS:

The subject commercial building was originally built in 2001 as a light industrial/warehouse facility. Various light industrial tenants have occupied the building since that time, with an electronics manufacturer occupying the subject tenant space up until October 2009.

On January 28, 2010 the Planning Commission approved CUP PLN2010-00051 allowing the applicant to open a badminton and table tennis facility for adults aged 16 years and older in the building. On July 22, 2014 the City adopted the Warm Springs/South Fremont Community Plan which changed the zoning of the site to Warm Springs Innovation District - Warm Springs Court (WSI-10). As a result of the rezoning, health clubs and indoor recreation uses are now allowed subject to approval of a Zoning Administrator Permit in the WSI-10 district.

PROJECT DESCRIPTION:

The applicant is proposing to operate an indoor recreation facility specializing in badminton and table tennis (ping pong) for all age groups at 46069 Warm Springs Boulevard. The facility occupies 35,104 square feet of tenant space in the building, or roughly half of the entire building. It will provide classes taught by professional badminton instructors, as well as open play for non-students. The facility contains eighteen badminton courts, seven table tennis courts, a reception/check-in area with administrative offices for staff, and restroom and shower facilities for the customers. A lounge area is also provided where players can relax and converse with one other after finishing their games adjacent to the restroom and shower facilities. No changes to the approved hours of operation are proposed. The facility is currently allowed to operate seven days a week, from 9 A.M. to 10 P.M. Monday through Friday, and 10 A.M. to 10 P.M. on Saturdays and Sundays. No on-site food service will be provided other than vending machines selling sports/soft drinks and snacks.

The applicant has complied with all mitigation measures that were made a part of the conditions of approvals for the original CUP. No further changes will be made to either the site or the exterior of the building, as the parking, landscaping and accessible paths to the facility all conform to the current Municipal Code and California Building Code requirements.

PROJECT ANALYSIS:

General Plan Conformance:

The General Plan land use designation for the project site is Innovation Center. The Innovation Center is a hybrid mixed-use designation that allows a range of uses, which include industrial, research and development, office and convention, hotels, retail and entertainment, residential, and educational uses, and public open space. The allowed uses, and corresponding zoning standards, are set to provide the opportunity for inventive, flexible development for new and expanding businesses. The proposed project would be consistent with the following goals, policies and implementation measures contained in the General Plan:

Policy 2-1.2: A Complete City - Plan and develop Fremont's available land supply in a way that achieves a balance between jobs and housing, matches future jobs to the capabilities of the local workforce, and provides an array of shopping choices, recreational choices, and entertainment and cultural facilities, thereby reducing the need for residents to travel outside the City.

Land Use Policy 2-5.8: Industrial Land Use Compatibility – Achieve compatibility between industrial uses and adjacent land uses through the regulation of industrial activities, limits on operations, and standards for buffering.

Land Use Policy 2-5.13: Amenities in Employment Districts – Encourage the provision of employee-serving amenities in the City’s workplaces, such as parks and plazas, outdoor seating areas, fitness facilities, bicycle storage areas and showers.

This policy is particularly applicable to the transit-oriented development (TOD) areas and higher intensity development areas. Providing these types of amenities within or close to workplaces can reduce vehicle trips, encourage walking and bicycling, and support air quality, public health, and sustainability goals.

Policy 8-4.2: New Recreational Opportunities - Where financially feasible, provide new recreational opportunities to the community.

Analysis: The General Plan recognizes that allowing assembly uses to locate close to industrial buildings may be appropriate in cases where performance standards to reduce potential land use conflicts and mitigation measures to limit the risk of accidents and contamination are in place. The facility has been in business since 2010 serving non-sensitive populations. The conditions of approval for the original CUP did include mitigation measures to offset impacts from a potential hazardous materials release. These measures have been implemented and are still in place. The applicant has provided a new Risk Assessment to the Fremont Fire Department. Therefore, the surrounding land uses pose little risk to the safety of any new sensitive population users of this facility.

The site is located within close proximity to many major employers and numerous existing residential neighborhoods in south Fremont via Mission and Warm Springs Boulevards. The facility also would serve as an employee amenity close to future workplaces in the Warm Springs/South Fremont Transit Oriented Development (TOD) area. The facility would help to meet unmet demands for indoor sport facilities not commonly found in existing parks or health clubs throughout the area as well as providing a form of recreation that is popular among the City’s large Asian population.

Zoning Compliance:

Pursuant to Fremont Municipal Code Section 18.49.040, Area 10 of the Warm Springs Innovation District allows health clubs and indoor recreation uses subject to approval of a Zoning Administrator Permit.

Special Use Provisions:

As an assembly use that would include all age groups, the project is required to provide the Fire Department with a technical evaluation to determine mitigations that would offset impacts from a potential hazardous materials release. The applicant has provided an updated Risk Assessment to the Fire Department and the Fire Marshal has inspected the site and verified that the mitigation measures that were required to be implemented prior to the issuance of the original CUP approval certificate are still in place.

Parking:

The parking requirement for a racquet club is two (2) per court, and one (1) for every 200 square feet of clubhouse floor area in excess of 1,000 square feet. The proposed facility will contain 25 courts (18 badminton courts and 7 ping pong tables), and approximately 3,000 square feet of clubhouse, office and restroom/shower floor area. Therefore, the parking requirement for the facility is 60 spaces. The site currently contains 122 total parking spaces for the four tenant spaces in the building. The proposed facility would occupy exactly half of the building, thus granting it an implied total of 61 spaces during normal business hours when all tenants are open for business, giving it a surplus of 1 parking space.

Type	Parking Requirement	Required Number of Parking Spaces	Available Parking Spaces on site
Court	2 per court	50	
Clubhouse	1 per 200 sf	10	
Total		60	61

It is likely that the number of users will be substantially higher during nights and weekends when most people are off work, but the amount of parking available during those times will be significantly higher since the other businesses in the building will be closed. As such, parking availability is not expected to be adversely impacted during normal business hours when the neighboring businesses are open.

Environmental Review:

Pursuant to the requirements of CEQA, a Mitigated Negative Declaration (MND) was previously adopted for the California Badminton Academy by the Planning Commission on January 28, 2010, which addressed the potential impacts of the proposed project. The primary change to the project is eliminating the user age restriction of sixteen years or older and allowing users of all age groups to use the facilities. The MND for the California Badminton Academy prescribed mitigation measures to prevent exposing sensitive users of the facility to danger from accidental explosions or releases/spills of hazardous materials that are currently being used by some of the neighboring industrial businesses. Upon reviewing the MND, staff found that a) there are no substantial changes proposed for the project which would require substantial revisions of the document due to the involvement of new or more severe environmental impacts; b) no substantial changes have occurred with respect to the circumstances under which the project has been undertaken, which would require substantial revisions of the document; and c) no new information of substantial importance has been identified which was not known at the time that the previous MND was adopted, and which shows new or more severe impacts or feasible or different mitigation measures or alternatives, which could reduce impacts but were declined by project proponents. Therefore, staff recommends use of the previously adopted MND pursuant to CEQA Guidelines Section 15162 and no further environmental review is required. The mitigation measures set forth in the MND, regarding risks of accidental explosions or releases/spills of hazardous materials were included as conditions of approval for this project in 2010 and would remain in place.

FINDINGS FOR APPROVAL:

Pursuant to FMC Section 18.275.060, in order to approve a Zoning Administrator Permit, the Zoning Administrator must make the following findings:

- a) **The proposed project is consistent with the General Plan, any applicable community or specific plan, planning and zoning regulations, and any adopted design rules and guidelines;**

Analysis: The General Plan land use designation for the project site is Innovation Center, which allows entertainment and indoor recreation uses such as badminton facilities in addition to industrial, research and development, residential and various commercial uses. The project would also be consistent with General Plan goals, and policy 2-1.2, 2-5.8, 2-5.13 and 8-4.2 related to providing a variety of services for communities and compatibility with adjacent land uses.

- b) **The site is physically suitable for the type, density, and intensity of the proposed use;**

Analysis: The indoor recreation facility would be located in an existing building in a fully improved lot with parking spaces. Furthermore, the site has sufficient parking for the proposed use as well as the existing uses.

- c) **The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity;**

Analysis: The proposed use should not have any negative impacts on the surrounding businesses and properties. On the contrary, the proposed use would provide a recreation amenity close to existing and future residents and employees in the area. The parking lot would be large enough to accommodate parking demands and the existing public improvements and onsite improvements can accommodate the proposed use without modifications. The facility will operate during seven days a week, from 9 A.M. to 10 P.M. Monday through Friday, and 10 A.M. to 10 P.M. on Saturdays and Sundays.

- d) **The proposed use will not be detrimental to the public health, safety, or welfare of persons or property in the vicinity;**

Analysis: The facility is located in close proximity to a number of industrial businesses that use various hazardous materials, and as such, its users will be exposed to the risk of accidental releases, spills or explosions at these businesses. The City's Fire Marshal recommended various measures to reduce the risk to the facility's users in the event that an accident occurred at one of these industrial businesses. These measures were included as conditions of approval for the original CUP application. The City's Fire Marshal has also verified that the applicant has implemented all mitigation measures that were required by the original CUP. The operating characteristics of the facility would remain unchanged to serve all age groups on site, so the conditions of approval will also remain the same.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 289 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on March 11, 2016. A Public Hearing Notice was published by *Tri-City Voice* on March 8, 2016.

ENCLOSURES:

Exhibits:

Exhibit "A" [Project Plans](#)

Exhibit "B" [Findings and Conditions of Approval](#)

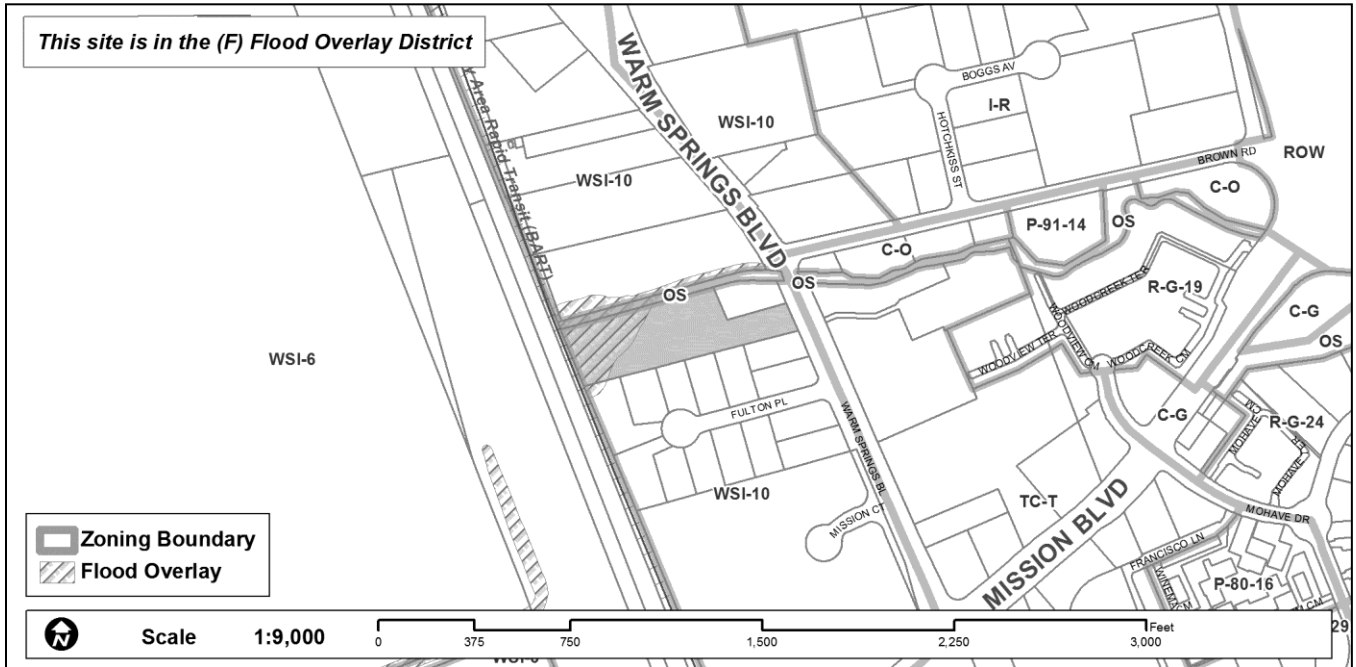
Exhibit "C" [Mitigated Negative Declaration & Mitigation Monitoring Program](#)

RECOMMENDATION:

1. Hold public hearing; and
2. Find that the Mitigated Negative Declaration previously adopted for the California Badminton Academy by the Planning Commission on January 28, 2010, as shown in Exhibit "A" adequately addresses the potential impacts of the proposed project and, therefore, no further environmental review is required, and find that this action reflects the independent judgment of the City of Fremont; and
3. Find that Zoning Administrator Permit PLN2016-00182, as shown in Exhibit "B," is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report; and
4. Approve Zoning Administrator Permit PLN2016-00182, as shown in Exhibit "B," based on the findings and subject to the conditions contained in Exhibit "C."

Existing Zoning

Shaded Area represents the Project Site



Existing General Plan

